

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTER DISTRICT OF NORTH CAROLINA

ERIC MURPHY,

PLAINTIFF,

v.

AMERICAN AIRLINES, INC,

DEFENDANT.

Case No.

JURY TRIAL REQUESTED

COMPLAINT

COMES NOW, the Plaintiff, ERIC MURPHY, by and through counsel, and for his
Complaint herein, states as follows:

JURISDICTIONAL ALLEGATIONS

1. Plaintiff ERIC MURPHY is a resident and citizen of the State of Georgia.
2. AMERICAN AIRLINES, INC. ("American Airlines"), is a corporation organized under the laws of the State of Delaware with its principal place of business in the State of Texas.
3. Plaintiff brings his complaint under federal diversity jurisdiction, 28 U.S.C. §1332, as the parties are completely diverse in citizenship and the amount in controversy exceeds \$75,000.

COMMON ALLEGATIONS OF FACT

4. American Airlines regularly operates flights into and out of Charlotte Douglas International Airport (CLT) in Charlotte, North Carolina, and continuously avails itself of the privileges and benefits of conducting business in the State of North Carolina.
5. On September 26, 2021, Plaintiff, Eric Murphy was a fare-paying passenger on board

American Airlines Flight Number AA855, departing from Dallas Fort Worth International Airport (DFW) with an intended destination of Charlotte Douglas International Airport (CLT) in Charlotte, North Carolina. Until the approach and landing at CLT, the flight was operated normally without incident.

6. Upon its arrival at CLT, the flight crew of Flight AA855 failed to monitor the approach speed and rate of descent which caused the aircraft to impact the runway at an excessive vertical rate of speed, which resulted in a violent jolt inside the cabin, causing several passengers audibly to cry out, and causing Plaintiff Murphy to suffer serious and permanent injuries to his back and spine.

7. As a result of the foregoing, Plaintiff Eric Murphy has suffered pain, discomfort and restriction of her daily professional, business and recreational activities, and has received medical treatment, with surgery indicated, which has resulted and will continue to result in increased health and medical costs, and monetary loss.

COUNT I **NEGLIGENCE**

8. Plaintiff reavers and incorporates by reference the previous paragraphs of this Complaint as if fully re-written here.

9. At all times relevant, Defendant American Airlines, as a common carrier, had an obligation to exercise the highest degree of care for its passengers' safety, including the safety of passenger Eric Murphy, Plaintiff herein.

10. Defendant American Airlines negligently failed to comply with this requirement by failing to operate AA855 in a safe and responsible manner, failing to train its flight crew in the safe and non-hazardous operation of its aircraft, and in other ways which will be determined through discovery.

11. As a direct and proximate result of the negligence of Defendant American Airlines and the flight crew of AA855, operating within the course and scope of its employment, Plaintiff Eric Murphy was injured, suffered pain, lack of mobility, tremendous restrictions in his professional and daily activities and enjoyment of life, and was forced to undergo medical treatment, which will include surgery, and has sustained increased expenses for medical treatment, as well as emotional distress caused by the forced curtailment of her activities.

12. Plaintiff Eric Murphy continues to suffer from his physical injuries and the anguish associated with those injuries, including curtailment of his activities and loss of enjoyment of life, as a direct and proximate result of Defendant American Airlines negligent conduct.

WHEREFORE, Plaintiff Eric Murphy demands judgment against the Defendant, American Airlines, for compensatory damages in excess of \$75,000.00, costs, and interest as allowed by law and for such other relief as the Court deems just and demands a trial by jury on all issues so triable as a matter of right.

Respectfully submitted this the 26th day of August, 2024.

/s/ James T. Crouse
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